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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SYBOLOGY INNOVATIONS, LLC,

Plaintiff,

v.

**ATLANTIC CITY ELECTRIC
COMPANY,**

Defendant.

C.A. No. 2:17-cv-02076-CCC-JBC

**SYBOLOGY INNOVATIONS,
LLC'S ANSWER TO ATLANTIC
CITY ELECTRIC COMPANY'S
COUNTERCLAIMS TO PLAINTIFF'S
FIRST AMENDED COMPLAINT**

Plaintiff and Counterdefendant Symbology Innovations, LLC ("Symbology") hereby responds to and answers the Counterclaims (Dkt. No. 18) of Defendant and Counterclaimant Atlantic City Electric Company, ("Atlantic City Electric" or "Counterclaimant") as follows:

NATURE AND BASIS OF ACTION

1. Symbology admits the allegations in Paragraph 1.
- 2.

PARTIES

3. Symbology admits the allegations in Paragraph 2.

4. Symbology admits the allegations in Paragraph 3.

JURISDICTION

5. Symbology admits the allegations in Paragraph 4.

6. Symbology admits the allegations in Paragraph 5.

7. Symbology admits that venue is proper in this judicial district pursuant to 28

U.S.C. § 1400. Symbology denies any and all remaining allegations in Paragraph 6.

COUNT I – DECLARATION OF NON-INFRINGEMENT

8. Paragraph 7 requires no response from Symbology. In the event it should require a response, Symbology denies the allegations contained in Paragraph 7. Symbology re-alleges and incorporates by reference the statements and allegations set forth in paragraphs 1-6 with the same force and effect as if fully rewritten herein.

9. Symbology admits the allegations in Paragraph 8.

10. Symbology denies the allegations in Paragraph 9.

11. Symbology denies the allegations in Paragraph 10.

12. Symbology denies the allegations in Paragraph 11.

COUNT II – DECLARATION OF NON-INVALIDITY

13. Paragraph 12 requires no response from Symbology. In the event it should require a response, Symbology denies the allegations contained in Paragraph 11. Symbology re-alleges and incorporates by reference the statements and allegations set forth in paragraphs 1-11 with the same force and effect as if fully rewritten herein.

14. Symbology denies the allegations in Paragraph 13.

15. Symbology denies the allegations in Paragraph 14.

16. Symbology denies the allegations in Paragraph 15.

17. Symbology denies the allegations in Paragraph 16.

RESERVATION OF RIGHTS

Counterclaimant's Reservation of Rights requires no answer. In the event it should require an answer, Symbology denies the allegations contained in this paragraph.

PRAYER FOR RELIEF

Counterclaimant's Prayer For Relief requires no answer. To the extent that an answer is required, Symbology denies any and all allegations in the Prayer For Relief and denies that Counterclaimant is entitled to any relief, including any declaration, injunction, costs, attorneys' fees, expenses, or any other relief of any kind, including, without limitation, subparagraphs (1) through (8) of Counterclaimant's Prayer For Relief.

JURY DEMAND

Symbology admits that Atlantic City Electric purports to demand a trial by jury of this action.

GENERAL DENIAL

Symbology denies each and every allegation in the Counterclaims to which Symbology has not specifically responded and expressly admitted, including any allegations that may be implied by or inferred from the headings of the same.

AFFIRMATIVE DEFENSES

First Defense (Failure to State a Claim)

1. The Counterclaims fail to state a claim upon which relief can be granted. The Counterclaims do not meet the pleading requirements set forth in the Federal Rules of Civil

Procedure as explained by the U.S. Supreme Court in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). Specifically, the Counterclaims fail to properly allege non-infringement of the Asserted Patents as well as invalidity under the provisions of Title 35, United States Code.

Second Defense
(No Exceptional Case or Attorney's Fees)

2. Counterclaimant cannot meet the requirements for an exceptional case or an award of attorney's fees pursuant to 35 U.S.C. § 285.

Third Defense
(Reservation of all affirmative defenses)

3. Symbology reserves the right to assert additional affirmative defenses and other defenses permitted under the Federal Rules of Civil Procedure, the patent laws of the United States, and/or at law or in equity, as they may now exist, be discovered, or otherwise become available based on discovery and further investigation in this case.

PRAYER FOR RELIEF

The Counterclaims should be dismissed, and the relief Symbology prays for in the Complaint should be granted.

Dated: July 3, 2017

Respectfully Submitted,

By: /s/Jean-Marc Zimmerman
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ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on July 3, 2017, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per the Local Rules.

/s/Jean-Marc Zimmerman
Jean-Marc Zimmerman